

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
May 21, 2013
City Council Chambers – Rouss City Hall**

PRESENT: Councilor Jeff Buettner, Evan Clark, John Hill, John Tagnesi and Ben Weber; Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (9)

ABSENT: None (0)

1.0 President Willingham called the meeting to order at 6:01 p.m.

2.0 Public Comments: (Each person will be allowed 3 minutes to address Council with a maximum of 10 minutes allowed for everyone.)

Todd Golding of 1027 Kinzel Drive stated he has always been completely opposed to red light systems based on fairness. It is his understanding under state law that the operator is presumed to be the registered owner, leaser or renter of the vehicle in question. However, it has been his experience that is not always the case. He stated he is the parent of two teenagers who drive vehicles that he is the registered owner of. If they run a red light, he would get the ticket and not his kids. His parents are getting ready to move out of the area, actually out of the country. He has already agreed to allow them to use his vehicles when they come back in the country. If they drive his vehicle and run through one of the intersections with red light monitoring, he would get the ticket and not his parents even though he was not the one driving the vehicle. He has always thought that was wrong. He thinks it should be the person who committed the offense that should get the ticket and not the registered owner. He stated he is also opposed to the ordinance as it is being proposed because Council should clarify the ticket itself will be sent to the owner of the vehicle and not the operator of the vehicle as it is now written. Secondly, under state law, the localities are required to evaluate the system monthly and have these records available to the public. He thinks the ordinance should clearly state where these records will be kept at, when they will be available, and who will have the custody of them so the public is aware of when they can review these records. He stated he questions the statement of cost neutral because under state law, localities must complete a safety analysis and other factors, signs must be placed within 500 feet of the intersection, and a public awareness program must be conducted. All of these things cost money and none of that has been addressed in the proposal at this time. He requested Council ask these questions. He stated this has potential to bring revenue to the city but he thinks it is fair to ask how much potential revenue. The citizens have a right to know that.

With no further citizens to address Council, President Willingham closed the public comment period at 6:04 p.m.

3.0 Presentation: O-2013-16: AN ORDINANCE TO CREATE CITY CODE SECTION 14-15 – PHOTO MONITORING SYSTEMS TO ENFORCE TRAFFIC LIGHT SIGNALS – Kevin Sanzenbacher, Police Chief, and David Samuels, Redflex

Police Chief Kevin Sanzenbacher presented the request to install a red light photo monitoring system. He explained the difficulties with accidents and tickets that occur at intersections. He has looked at data for the last year to help decide where to place the lights. He would like to go ahead and place the cameras at the intersections of Pleasant Valley and Berryville Avenue and Pleasant Valley and Jubal Early Drive.

David Samuel of Redflex stated his company has 10 contracts throughout Virginia. Each state's legislation is different. By Virginia law, a system can issue a \$50 ticket for a civil penalty. The owner of the vehicle will get the ticket but no points will be taken off their license. He stated Redflex guarantees the program will not cost the city anything. Of the 23 states that allow photo enforcing only 3 can view the front of the vehicle. Virginia only allows a rear shot of the vehicle.

Chief Sanzenbacher stated it is in the contract that Redflex will cover the cost of the signage.

Councilor Tagnesi, seconded by Mayor Minor, moved to forward O-2013-16 to Council.

President Willingham stated he will be voting against the ordinance. He can't question the legitimacy of the facts or the security/safety enhancements but he does have issues with giving up the privacy.

The motion passed 5/3 with President Willingham and Councilors Buettner and Weber voting in the negative.

4.0 Items for Discussion:

4.1 R-2013-28: Resolution – Recognizing the brave, calm manner of 14 year old Savanna Payne during a medical emergency

Police Chief Kevin Sanzenbacher presented the request to honor Savanna Payne for her response during a medical emergency on Jubal Early Drive.

Vice-Mayor Veach moved to forward R-2013-28 to Council. *The motion was seconded by Councilor Weber then approved 8/0.*

4.2 FY14 Proposed Budget Questions & Answers

City Manager Dale Iman provided answers to the questions brought up at the previous Council meeting regarding the FY14 proposed budget.

1. \$1 million bond for parking garage repairs? The City does not propose to bond the \$1 million for the parking garage repairs. Instead, it will be paid for out of cash.
2. Is the Meadow Branch extension funds for John Kerr? No. The project was identified in the Strategic Plan by Council.
3. Why do different departments have separate websites? The EDA requires a separate website because marketing properties is not allowed on a “. gov” website.
4. Request for more information on the \$66,000 expense for police lapel camera system. The \$66,000 will purchase 45 ruggedized high resolution cameras that plug into a server tree at the end of the shift to download and charge.
5. Question on Raises. The budget reflects a 2% increase across the board for City employees. All new hires are subject to a six-month probationary period.
6. Questions on the \$192,000 outside agencies. During a previous work session, Council agreed to provide the same level of funding in FY14 as FY13. Staff expects to bring back the rest of the plan discussed at that work session in June.
7. Question on the \$100,000 Discovery Museum proposed expenditure. Council passed a motion at the March 19, 2013 Work Session directing staff to put this expenditure in the budget at \$100,000 each year for a total of 5 years to match the allocation of \$500,000 that Frederick County pledged a couple of years ago.
8. Question on the \$30,000 pick-up truck for Streets. The streets department is requesting the purchase of a ¾ ton crew cab pick-up in the budget. The new truck being questioned is used for the facilities maintenance department.

There were no further questions from Council.

5.0 Liaison Reports

Councilor Tagnesi announced the Planning Commission tabled the request for the Jubal Early project.

Mayor Minor distributed cards to Council that will be displayed at visitor centers along the I-81 corridor for travelers.

6.0 Executive Session

- 6.1** MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(1) AND A(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF

DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF THE EMPLOYMENT, ASSIGNMENT, APPOINTMENT, AND PERFORMANCE OF SPECIFIC PUBLIC OFFICERS APPOINTEES AND EMPLOYEES OF THE CITY OF WINCHESTER AND THE SUBJECT OF PERFORMANCE OF DEPARTMENTS WHERE SUCH EVALUATION WILL NECESSARILY INVOLVE DISCUSSION OF THE PERFORMANCE OF SPECIFIC INDIVIDUALS AND FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND FOR LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND SUBJECT OF MATTERS OF ACTUAL OR PROBABLE LITIGATION AND PURSUANT TO §2.2-3711(A)(3) FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF THE SUBJECT OF THE ACQUISITION OF AN INTEREST IN REAL PROPERTY FOR A PUBLIC PURPOSE WHERE IF MADE PUBLIC, THE BARGAINING POSITION OR FINANCIAL INTEREST OF THE CITY WOULD BE ADVERSELY AFFECTED.

Vice-President McInturff moved to convene in executive session at 7:20 p.m. *The motion was seconded by Councilor Buettner then unanimously approved by voice-vote.*

Councilor Clark moved to reconvene in open session at 8:09 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously approved by voice-vote.*

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

A roll call vote was taken, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Councilor Buettner	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Vice-Mayor Veach	Aye
Councilor Weber	Aye
President Willingham	Aye

Councilor Buettner moved to add an ordinance to authorize the acquisition of properties necessary for the realignment of National Avenue, Piccadilly Street, and East Lane to the

agenda. *The motion was seconded by Vice-Mayor Veach then unanimously approved by voice-vote.*

AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF PROPERTIES NECESSARY FOR THE REALIGNMENT OF NATIONAL AVENUE – PICCADILLY STREET – EAST LANE

Councilor Buettner moved to forward the ordinance for acquisition to Council. *The motion was seconded by Vice-Mayor Veach then unanimously approved by voice-vote.*

7.0 Monthly Reports

7.1 Fire Department

7.2 Police Department

7.3 Finance Department

8.0 Adjournment

Councilor Buettner moved to adjourn the meeting at 8:10 p.m. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*